

## **TAB 7**

### **PLAINTIFF'S DEPOSITION DESIGNATIONS**

**IN THE UNITED STATE DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	)	
	)	Chapter 11
INACOM CORP., <u>et al.</u> ,	)	
	)	Case No. 00-2426 (PJW)
Debtors.	)	
	)	
INACOM CORP., on behalf of affiliated	)	
Debtors,	)	Civil Action no. 04-582-GMS
	)	Adv. No. 02-3499
Plaintiff,	)	
	)	
v.	)	
	)	
DELL COMPUTER CORPORATION, <u>et al.</u> ,	)	
	)	
Defendants.	)	
	)	

**PLAINTIFF'S DEPOSITION DESIGNATIONS**

JOHN ALAN DUGAN, 3/23/05

<u>From</u>	<u>To</u>
p.1 case caption	p.6, line 4
p.8, line 23	p.9, line 12
p.17, line 21	p.22, line 25
p.27, line 4	p.27, line 16
p.33, line 25	p.34, line 16
p.48, line 11	p.49, line 6
p.50, line 10	p.51, line 11
p.56, line 10	p.56, line 18
p.89, line 10	p.89, line 20
p.98, line 22	p.98, line 25
p.99, line 1	p.99, line 14
p.99, line 17	p.100, line 7
p.103, line 14	p.103, line 17
p.103, line 20	p.104, line 1
p.115, line 4	p.115, line 16

p.116, line 2	p.116, line 5
p.116, line 17	p.116, line 25
p.117, line 6	P.117, line 25
p.118, line 16	p.119, line 1
p.120, line 11	p.120, line 13
p.120, line 15	p.121, line 6
p.121, line 15	p.121, line 19
p.121, line 22	p.122, line 9
p.122, line 20	p.123, line 3
p.123, line 9	p.124, line 10
p.140, line 22	p.141, line 1
p.141, line 3	p.141, line 13
p.141, line 15	p.142, line 5
p.142, line 7	p.142, line 10

WILLIAM FRANCIS, 03/02/05

<u>From</u>	<u>To</u>
p.1 case caption	p.6, line 20
p.15, line 6	p.16, line 9
p.16, line 25	p.18, line 6
p.19, line 6	p.19, line 13
p.25, line 8	p.25, line 21
p.29, line 23	p.31, line 4
p.59, line 18	p.60, line 5
p.63, line 7	p.63, line 17
p.69, line 5	p.69, line 17
p.70, line 21	p.71, line 3

**GAGLIARDI, 04/06/05**

<u>From</u>	<u>To</u>
p.1 case caption	p.5, line 23
p.9, line 7	p.11, line 11
p.12, line 13	p.13, line 2
p.13, line 8	p.13, line 16
p.14, line 21	p.15, line 1
p.16, line 8	p.17, line 8
p.18, line 24	p.19, line 21
p.23, line 1	p.24, line 18
p.37, line 5	p.38, line 20
p.47, line 17	p. 48, line 20
p.61, line 16	p.61, line 24
p.64, line 18	p.65, line 4
p.67, line 17	p.68, line 23
p.69, line 4	p.69, line 22
p.71, line 19	p.72, line 16
p.79, line 2	p.79, line 23
p.81, line 14	p.81, line 24
p.84, line 21	p.86, line 10
p.91, line 19	p.100, line 15
p.100, line 21	p.102, line 9
p.102, line 15	p.104, line 2
p.104, line 20	p.105, line 23
p.106, line 15	p.107, line 14
p.109, line 22	p.112, line 4
p.112, line 5	p.112, line 14
p.119, line 11	p.123, line 21
p.143, line 4	p.146, line 2
p.146, line 3	p.147, line 11
p.147, line 12	p.148, line 18
p.149, line 24	p.153, line 17

p.155, line 3	p.159, line 2
p.159, line 3	p.161, line 8
p.162, line 15	p.167, line 7
p.167, line 8	p.167, line 24
p.168, line 7	p.172, line 12
p.172, line 13	p.174, line 24
p.175, line 1	p.175, line 6
p.175, line 7	p.176, line 18
p.177, line 3	p.179, line 9
p.179, line 10	p.184, line 22
p.185, line 6	p.186, line 3
p.188, line 4	p.189, line 1
p.203, line 3	p.204, line 18
p.207, line 20	p.209, line 4

**MAJOR HORTON, 4/21/05, FORMER VP, FINANCE, DELL, INC.**

<u>From</u>	<u>To</u>
p.1, case caption	p.5, line 11
p.7, line 6	p.21, line 15
p.24, line 8	p.31, line 25
p.32, line 23	p.32, line 24
p.33, line 10	p.34, line 7
p.34, line 21	p.37, line 2
p.37, line 14	p.38, line 4
p.40, line 10	p.40, line 22
p.41, line 16	p.44, line 9
p.44, line 14	p.44, line 16
p.46, line 16	p.46, line 19
p.48, line 9	p.46, line 18
p.48, line 24	p.50, line 7
p.51, line 21	p.52, line 10
p.53, line 2	p.57, line 4

p.57, line 5	p.57, line 16
p.59, line 7	p.57, line 14
p.59, line 24	p.60, line 10
p.63, line 3	p.63, line 10
p.70, line 6	p.72, line 16
p.73, line 13	p.73, line 16
p.79, line 1	p.79, line 4
p.80, line 19	p.81, line 15
p.83, line 12	p.84, line 18
p.86, line 1	p.89, line 14
p.91, line 17	p.98, line 14
p.100, line 10	p.101, line 3
p. 101, line 17	p. 105, line 6
p.106, line 7	p.107, line 16
p.107, line 21	p.110, line 11
p.112, line 9	p.112, line 19
p.113, line 6	p.115, line 4
p.115, line 12	p.115, line 19
p.123, line 4	p.126, line 23
p.129, line 11	p.131, line 17
p.134, line 15	p.135, line 3
p.135, line 25	p.137, line 4
p.137, line 15	p.137, line 20
p.137, line 23	p.138, line 1
p.140, line 3	p.141, line 10
p.143, line 16	p.144, line 2
p.144, line 23	p.144, line 25
p.145, line 7	p.147, line 5

**Exhibits**

No. 2	Dell's Responses to Plaintiff's First Set of Interrogatories
No. 7	Composite exhibit of e-mails "Inacom/Dell Received 4/1/05 00001-00086"
No. 8	Composite exhibit of e-mails "Inacom/Dell Received 4/18/05 00001-00036"

**MICHAEL D. KELLER, 2/10/05**

<u>From</u>	<u>To</u>
p.1, case caption	p.7, line 10
p.9, line 1	p.17, line 10
p. 20, line 5	p. 23, line 2
p. 23, line 31	p.27, line 10
p.33, line 1	p.34, line 12
p. 44, line 21	p. 45, line 2
p. 46, line 2	p. 47, line 2
p. 48, line 17	p. 50, line 17
p. 52, line 6	p. 52, line 17
p. 55, line 17	p. 55, line 25
p. 58, line 1	p. 59, line 7
p. 62, line 19	p. 63, line 1
p. 63, line 2	p. 65, line 3
p. 65, line 13	p. 65, line 17
p. 66, line 13	p. 66, line 17
p. 68, line 24	p. 69, line 8
p. 69, line 25	p. 70, line 25
p. 72, line 4	p. 72, line 7
p. 74, line 8	p. 74, line 24

p. 79, line 1	p. 79, line 13
p. 80, line 15	p. 80, line 16
p. 81, line 12	p. 81, line 25
p. 86, line 18	p. 86, line 24
p. 87, line 2	p. 88, line 15
p. 93, line 13	p. 93, line 20
p. 95, line 11	p. 96, line 3
p. 102, line 2	p. 102, line 6
p. 103, line 1	p. 105, line 9
p. 105, line 25	p. 107, line 4
p. 111, line 3	p. 115, line 20
p. 115, line 21	p. 177, line 23
p. 124, line 16	p. 124, line 21
p. 125, line 4	p. 125, line 11
p. 127, line 22	p. 128, line 17
p. 128, line 23	p. 131, line 4
p. 133, line 1	p. 133, line 7
p. 144, line 11	p. 145, line 8
p. 151, line 9	p. 152, line 18
p. 155, line 3	p. 155, line 13
p. 156, line 12	p. 157, line 7
p. 157, line 21	p. 158, line 1
p. 164, line 11	p. 164, line 19
p. 165, line 8	p. 165, line 19
p. 168, line 1	p. 168, line 23
p. 173, line 10	p. 174, line 7
p. 175, line 7	p. 175, line 10
p. 175, line 11	p. 176, line 16
p. 185, line 5	p. 185, line 8

**Exhibits**

No. 1	Complaint
No. 2	Original Answer
No. 3	Amended Answer
No. 6	Dell's First Discovery Response
No. 7	Dell's Second Discovery Response
No. 10	Streusand letter with data
No. 11	Exemplary invoices from Dell
No. 16	Copies of Dell's collection letters

**LEON KERKMAN 3/25/05**

<u>From</u>	<u>To</u>
p.1, case caption	p.6, line 11
p.13, line 15	p.15, line 21
p.19, line 5	p.19, line 15
p.30, line 25	p.31, line 11
p.31, line 25	p.33, line 18
p.41, line 21	p.42, line 7
p.44, line 16	p.44, line 18

**RICHARD C. OSHLO, JR. 3/20/05 – FORMER TREASURER OF INACOM**

<u>From</u>	<u>To</u>
p.1, case caption	p.6, line 20
p.14, line 15	p.35, line 2
p.41, line 17	p.42, line 16
p.44, line 21	p.46, line 19
p.57, line 2	p.58, line 1
p. 61, line 17	p.62, line 11
p.63, line 16	p.64, line 3
p.65, line 11	p.68, line 2
p.72, line 12	p.72, line 23

p.74, line 2	p.80, line 21
p.83, line 2	p.83, line 9
p.84, line 21	p.86, line 12
p.88, line 2	p.88, line 15
p.88, line 23	p.91, line 8
p.95, line 16	p.96, line 6
p.98, line 13	p.100, line 2
p.107, line 8	p.108, line 17
p.110, line 22	p.111, line 25
p.112, line 6	p.112, line 23
p.115, line 14	p.116, line 11
p.120, line 13	p.121, line 22
p.121, line 23	p.124, line 8
p.126, line 22	p.126, line 25
p.130, line 2	p.130, line 20
p.133, line 20	p.135, line 5
p.136, line 15	p.137, line 12
p.139, line 17	p.140, line 4
p.141, line 20	p.142, line 1
p.143, line 3	p.145, line 6
p.149, line 18	p.149, line 25
p.153, line 23	p.154, line 2
p.156, line 4	p.157, line 19
p.157, line 24	p.160, line 3
p.162, line 1	p.162, line 13
p.163, line 19	p.164, line 19
p.165, line 1	p.167, line 14
p.173, line 16	p.210, line 3
p.213, line 7	p.217, line 25
p.218, line 14	p./226, line 11
p.226, line 12	p.231, line 11
p.231, line 23	p.236, line 18

p.248, line 14

p.248, line 24

**Exhibits**

No. 2	Third Waiver and Amendment
No. 3	Inacom 8K
No. 5	Fourth Amendment and Waiver
No. 6	Davis Polk memo of 2/16/00
No. 7	Borrowing Base Certificate 3/25/00
No. 8	Borrowing Base Certificate 4/22/00
No. 10	Treasury Release Checks By Date
No. 11	Collateral Management Report (IBM Credit Corp.)
No. 19	5 <sup>th</sup> Amendment and Waiver 3/31/00 (lockboxes)
No. 20	6 <sup>th</sup> Amendment and Waiver 4/14/00 (no fin. stms.)
No. 21	Form Notice of Borrowing (\$54 million)

**NANCY R. PEARSON 3/22/05, FORMER INACAM CORP., ACCOUNTS PAYABLE  
DEPARTMENT MANAGER**

**From**

p.1, case caption  
p. 10, line 19  
p. 14, line 4  
p. 17, line 6  
p. 19, line 12  
p. 25, line 14

**To**

p. 8, line 22  
p. 12, line 15  
p. 14, line 9  
p. 17, line 8  
p. 22, line 11  
p. 26, line 8

p. 27, line 23	p. 28, line 19
p. 30, line 15	p. 35, line 4
p. 36, line 11	p. 36, line 22
p. 38, line 1	p. 39, line 9
p. 40, line 21	p. 41, line 8
p. 43, line 3	p. 43, line 17
p. 47, line 20	p. 48, line 6

**Exhibits**

No. 1

Treasury Released Checks  
By Date

**SCOTT SIMMELINK, 3/24/05**

<b><u>From</u></b>	<b><u>To</u></b>
p.1, case caption	p.5, line 12
p.8, line 9	p.6, line 10
p.37, line 18	p.38, line 23
p.39, line 18	p.40, line 1
p.41, line 6	p.41, line 12
p.45, line 9	p.45, line 25
p. 49, line 4	p.49, line 6

**NONI VITOLS 3/23/05**

<b><u>From</u></b>	<b><u>To</u></b>
p.1, case caption	p.6, line 15
p.7, line 10	p.10, line 25
p.14, line 16	p.23, line 2

**KAREN WALLINGFORD 3/22/05, FORMER INACOM CORP. EMPLOYEE**

<u>From</u>	<u>To</u>
p. 1, case caption	p. 8, line 6
p. 11, line 12	p. 13, line 11
p. 15, line 7	p. 15, line 16
p. 20, line 20	p. 23, line 15
p. 24, line 23	p. 25, line 11
p. 26, line 9	p. 26, line 23
p. 27, line 21	p. 28, line 2
p. 28, line 19	p. 28, line 25
p.31, line 3	p. 32, line 3
p. 32, line 6	p. 33, line 7
p. 33, line 22	p. 37, line 2
p. 38, line 22	p. 38, line 25
p. 39, line 7	p. 39, line 18
p. 40, line 10	p. 40, line 18
p. 42, line 10	p. 43, line 4

**SUSAN WILLETTTS 4/19/05**

<u>From</u>	<u>To</u>
p.1, case caption	p.6, line 24
p.39, line 2	p.39, line 8
p.42, line 5	p.42, line 7
p.50, line 22	p.51, line 3
p.52, line 5	p.52, line 8
p.65, line 7	p.65, line 14
p.69, line 22	p.71, line 24
p.79, line 18	p.85, line 18

**ROBERT M. WOOD, JR. 3/15/05**

<u>From</u>	<u>To</u>
p.1 case caption	p.3, line 14
p.148, line 9	p.148, line 25
p.150, line 18	p.153, line 13

In addition to the foregoing page/line designations, Plaintiff also designates the following:

1. Counter designations to any designations made by Dell, by other defendants in other preference actions relevant to this adversary proceeding or by the Hewlett-Packard Company.
2. Designations of depositions of fact or expert witnesses identified by Dell who do not appear to testify at trial.

Plaintiff also reserves the right to offer deposition testimony to rebut the testimony offered at trial by any witness(es) called by Dell or for impeachment purposes.

**IN THE UNITED STATE DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	)	
	)	Chapter 11
INACOM CORP., <u>et al.</u> ,	)	
	)	Case No. 00-2426 (PJW)
Debtors.	)	
	)	
INACOM CORP., on behalf of affiliated	)	
Debtors,	)	Civil Action no. 04-582-GMS
	)	Adv. No. 02-3499
Plaintiff,	)	
	)	
v.	)	
	)	
DELL COMPUTER CORPORATION, <u>et al.</u>	)	
	)	
Defendants.	)	
	)	

**DELL, INC.'S OBJECTIONS TO  
PLAINTIFF'S DEPOSITION DESIGNATIONS**

Dell, Inc. (f/k/a Dell Computer Corporation) ("Dell") files this its objections to Plaintiff's Deposition Designations. In support hereof, Dell shows the Court as follows:

**I. OBJECTIONS TO PLAINTIFF'S DEPOSITION DESIGNATIONS**

**A. Deposition of Michael D. Keller, 2/10/05**

Page/Line Designation by Plaintiff	Dell's Objections
	Dell generally objects to any designations reflecting objections or colloquy between counsel, pursuant to the Court's Form Pre-Trial Order, which requires all colloquy between counsel to be eliminated when the deposition is read at trial.
9:1 – 17:10	FED.R.CIV.P. 32(a)(4) - add 8:23 – 8:25, to the extent the foregoing objection is denied.
23:31	Improper designation—page 32 only has 25 lines; FED.R.CIV.P. 32(a)(4) - add 23:3 – 23:25
46:2 – 47:2	Relevance - FED.R.EVID. 402
47:2	Question with no answer designated. Not evidence.
48:17 – 50:17	Relevance – FED.R.EVID. 402

**A. Deposition of Michael D. Keller, 2/10/05, cont'd.**

Page/Line Designation by Plaintiff	Dell's Objections
52:6 – 52:17	FED.R.CIV.P. 32(a)(4) – add 52:18 – 52:20, 52:23 – 53:1
58:1 – 59:7	Relevance – FED.R.EVID. 402. Dell has stipulated to the receipt of the transfers at issue in this action.
63:2 – 65:3	Relevance – FED.R.EVID. 402
66:13 – 66:17	FED.R.CIV.P. 32(a)(4) – add 66:5 – 66:9
68:24 – 69:8	FED.R.CIV.P. 32(a)(4) – add 68:13 – 68:23
69:25 – 70:25	FED.R.CIV.P. 32(a)(4) – add 71:1 – 71:10; 71:14 – 71:15
79:1 – 79:13	FED.R.CIV.P. 32(a)(4) – add 78:14 – 78:17; 78:20 – 78:25
81:20 – 81:25	Dell objects to the colloquy between counsel.
81:12 – 81:19	FED.R.CIV.P. 32(a)(4) – add 70:20 – 70:22; 70:25
86:18 – 86:24	FED.R.CIV.P. 32(a)(4) – add 52:18 – 52:20; 66:13 – 66:17
87:2 – 88:15	FED.R.CIV.P. 32(a)(4) – add 87:16 – 87:18
95:11 – 96:3	Dell objects to the colloquy between counsel.
103:1 – 105:9	Relevance – FED.R.EVID. 402. Dell has stipulated to the transfers at issue in this action and the payment date has been stipulated by both Inacom and Dell.
105:25 – 107:4	Relevance – FED.R.EVID. 402
111:3 – 115:20	Relevance – FED.R.EVID. 402. The parties have submitted a Pre-Trial Order, which according to the Local Rules of the United States District Court of Delaware “control the subsequent course of the action unless modified by the Court to prevent manifest injustice.” Accordingly, testimony concerning the answer to the Complaint is irrelevant for purposes of trial. Additionally, the payments at issue in this action are stipulated as set forth in the Final Joint Pre-Trial Order.
115:21 – 177:23	Dell objects on the basis that the designated range is overly broad and fails to specify the testimony to be read at trial. Additionally, information contained within the approximate 62 pages designated is irrelevant, colloquy of counsel, or otherwise not admissible.
124:16 – 124:21	FED.R.CIV.P. 32(a)(4) – add 123:4 – 124:15

**A. Deposition of Michael D. Keller, 2/10/05, cont'd.**

Page/Line Designation by Plaintiff	Dell's Objections
127:22 – 128:17	Relevance – FED.R.EVID. 402. Pursuant to the Final Joint Pre-Trial Order, Dell is no longer pursuing a defense under 11 U.S.C. § 547(c)(1).
128:23 – 131:4	Relevance – FED.R.EVID. 402. Pursuant to the Final Joint Pre-Trial Order, Dell is no longer pursuing a defense based on the earmarking doctrine.
144:11 – 145:8	FED.R.CIV.P. 32(a)(4) – add 145:9 – 145:22; 122:19 –

	124:15
151:9 – 151:13	FED.R.EVID. 602 – Witness lacks personal knowledge
151:14 – 152:14	Relevance – FED.R.EVID. 402; FED.R.EVID. 602 – Witnesses lack of personal knowledge.
152:15 – 152:18	FED.R.EVID. 602 – Witness lacks personal knowledge
155:3 – 155:13	Relevance FED.R.EVID. 402; FED.R.CIV.P. 32(a)(4), add 151:9 – 151:13, 152:15 – 152:18, 152:23 – 154:4
156:12 – 157:7	Relevance FED.R.EVID. 402; FED.R.CIV.P. 32(a)(4), add 151:9 – 151:13, 152:15 – 152:18, 152:23 – 154:4
157:21 – 158:1	Relevance – FED.R.EVID. 402. Dell has stipulated to the Transfers at issue in this action and the payment date has been stipulated by both Inacom and Dell.
164:11 – 164:19	Dell objects to the colloquy between counsel.
165:8 – 165:19	Dell objects to the colloquy between counsel. FED.R.EVID. 408 – Compromise and offers to compromise.
168:1 – 168:23	FED.R.EVID. 408 – Compromise and offers to compromise, Dell objects to discussion concerning the offer to compromise in the data or other information set forth therein pursuant to FED.R.EVID. 408; Relevance - FED.R.EVID. 402.
175:11 – 176:16	FED.R.EVID. 602 – Witness lacks personal knowledge; FED.R.EVID. 802 – hearsay. Dell objects to portions of this excerpt on the additional basis that contains colloquy between counsel.
185:5 – 185:8	FED.R.EVID. 402 - relevance to both the designated text and the exhibit referenced therein.
	With respect to any exhibit identified in Inacom Deposition Designations, Dell asserts objections to the admissibility of such exhibits in its Objection to Plaintiff's Exhibits, which is attached to the Final Joint Pre-Trial Order as part of Tab 1.

#### B. Deposition of Major Horton, 4/21/05

Page/Line Designation by Plaintiff	Dell's Objections
	Dell generally objects to any designations reflecting objections or colloquy between counsel, pursuant to the Court's Form Pre-Trial Order, which requires all colloquy between counsel to be eliminated when the deposition is read at trial.
32:23 – 32:24	Dell objects in that Inacom has simply identified an answer without a corresponding question; FED.R.CIV.P. 32(a)(4) – add 32:9 – 32:10
34:21 – 37:2	Relevance – FED.R.EVID. 402
37:14 – 38:4	Relevance – FED.R.EVID. 402
40:10 – 40:22	Relevance – FED.R.EVID. 402

41:16 – 44:9	Relevance – FED.R.EVID. 402
46:16 – 46:19	Relevance – FED.R.EVID. 402
48:9 – 46:18	Dell objects in that this does not appear to be a valid designation.
52:10	Question with no answer designated. Not evidence.
54:8 – 54:14	Dell objects to the colloquy of counsel; in addition, Dell objects to 54:8 in that it mischaracterizes testimony per the objection stated on the record.
57:5 – 57:16	Relevance – FED.R.EVID. 402. Dell has stipulated to the Transfers at issue in this action and the payment dates have been stipulated.
55:19 -55:21	Dell objects to the colloquy of counsel
70:6 – 72:16	Relevance – FED.R.EVID. 402
73:13 – 73: 16	Relevance – FED.R.EVID. 402. Dell has stipulated to the Transfers at issue in this action and the payment dates have been stipulated; FED.R.CIV.P. 32(a)(4) – add 73:8 – 73:12, to the extent the foregoing objection is denied.
80:19 – 81:15	Relevance – FED.R.EVID. 402
86:1 – 89:14	Relevance – FED.R.EVID. 402; best evidence rule – exhibit at issue in questioning speaks for itself and is the best evidence of its contents. FED.R.EVID. 602 – Witness lacks personal knowledge
101:17 – 102:8	Hearsay – FED.R.EVID. 802
107:21 – 110:11	FED.R.CIV.P. 32(a)(4) – add 110:15 – 110 – 21
112:9 – 112:19	No question is specified; FED.R.CIV.P. 32(a)(4) - add 111:24 – 112: 8
123:19 – 124:4	Hearsay - FED.R.EVID. 802
129:11 – 131:17	FED.R.CIV.P. 32(a)(4) - add 131:20 – 132:2
134:15 – 135:3	FED.R.CIV.P. 32(a)(4) - add 135:4 – 135:14
136:20 – 137:4	Hearsay, FED.R.EVID. - 802
137:15 – 137:20	Hearsay, FED.R.EVID. - 802
137:23 – 138:1	Question with no answer designated. Not evidence.
140:9 – 141:10	Objection to the form of the question, vague, ambiguous, asked and answered
144:23 – 144:25	Dell objects to the colloquy between counsel.
147:2 – 147:5	Dell objects to the colloquy between counsel.
	With respect to any exhibit identified in Inacom Deposition Designations, Dell asserts objections to the admissibility of such exhibits in its Objection to Plaintiff's Exhibits, which is attached to the Final Joint Pre-Trial Order as part of Tab 1.

**C. Deposition of Nancy R. Pearson, 3/22/05**

Page/Line Designation by Plaintiff	Dell's Objections
	Dell generally objects to any designations reflecting objections or colloquy between counsel, pursuant to the Court's Form Pre-Trial Order, which requires all colloquy between counsel to be eliminated when the deposition is read at trial.
12:8 – 12:15	FED.R.CIV.P. 32(a)(4) – Add 12:16 – 12:22
14:4 – 14:9	FED.R.CIV.P. 32(a)(4) – Add 12:16 – 12:22
30:12 – 30:24	Hearsay – FED.R.EVID. 802; Relevance – FED.R.EVID. 402
32:22 – 33:2	Question struck by counsel
36:22	Question with no answer designated. Not evidence.
40:21 – 41:8	Hearsay - FED.R.EVID. 802
43:3 – 43:17	Hearsay - FED.R.EVID. 802
47:20 – 48:6	Witness is offering an impermissible opinion - FED.R.EVID. 701; witness lacks personal knowledge - FED.R.EVID. 602
	With respect to any exhibit identified in Inacom Deposition Designations, Dell asserts objections to the admissibility of such exhibits in its Objection to Plaintiff's Exhibits, which is attached to the Final Joint Pre-Trial Order as part of Tab 1.

**D. Deposition of Karen Wallingford, 3/22/05**

Page/Line Designation by Plaintiff	Dell's Objections
	Dell generally objects to any designations reflecting objections or colloquy between counsel, pursuant to the Court's Form Pre-Trial Order, which requires all colloquy between counsel to be eliminated when the deposition is read at trial.
26:9 – 26:23	FED.R.CIV.P. 32(a)(4) - Add 26:1 – 26:6
27:21 – 28:2	FED.R.EVID. 602 - witness lacks personal knowledge
31:3 – 32:3	Hearsay - FED.R.EVID. 802; relevance - FED.R.EVID. 402; witness lacks personal knowledge - FED.R.EVID. 602; unduly prejudicial; form of the question – assumes facts not in evidence, vague, and ambiguous - FED.R.EVID. 403.
32:6 – 33:7	Relevance - FED.R.EVID. 402
33:22 – 37:2	Relevance - FED.R.EVID. 402
38:22 – 38:25	Relevance - FED.R.EVID. 402
40:10 – 40:12	Question struck by counsel
40:12 – 40:18	FED.R.CIV.P. 32(a)(4) - Add 21:1 – 21:5; 21:15 – 21:16
42:10 – 43:4	Hearsay - FED.R.EVID. 802

**E. Deposition of Jay Samuelson, 3/25/05**

Page/Line Designation by Plaintiff	Dell's Objections
	Dell generally objects to any designations reflecting objections or colloquy between counsel, pursuant to the Court's Form Pre-Trial Order, which requires all colloquy between counsel to be eliminated when the deposition is read at trial.
25:5 – 26:22	Hearsay - FED.R.EVID. 802; FED.R.CIV.P. 32(a)(4) - Add 27:2 – 27:4 to the extent the foregoing objection is denied.
27:20 – 28:11	Hearsay - FED.R.EVID. 802; FED.R.CIV.P. 32(a)(4) - Add 29:8 – 29:11; 29:15
113:21 – 113:24	Relevance - FED.R.EVID. 402; Unfairly prejudicial – FED. R. EVID. 403; FED.R.CIV.P. 32(a)(4) – Add 121:19 – 122:2, 122:10 – 122:18 to the extent the foregoing objections are denied.
114:13 – 114:25	Relevance - FED.R.EVID. 402; Unfairly prejudicial – FED. R. EVID. 403
121:19 – 122:6	Relevance - FED.R.EVID. 402; Unfairly prejudicial – FED. R. EVID. 403
122:10 – 122:18	Relevance - FED.R.EVID. 402; Unfairly prejudicial – FED. R. EVID. 403; FED.R.CIV.P. 32(a)(4) - add 121:20 – 122:2, to the extent the foregoing objections are denied.

#### F. Deposition of John A. Dugan, 3/23/05

Page/Line Designation by Plaintiff	Dell's Objections
	Dell generally objects to any designations reflecting objections or colloquy between counsel, pursuant to the Court's Form Pre-Trial Order, which requires all colloquy between counsel to be eliminated when the deposition is read at trial.
8:23 – 9:12	Relevance - FED.R.EVID. 402
48:11 – 49:6	FED.R.CIV.P. 32(a)(4) - add 46:20 – 48:7
50:10 – 51:11	Relevance - FED.R.EVID. 402; FED.R.CIV.P. 32(A)(4) - add 51:12 – 51:13 to the extent the foregoing objection is denied.
56:10 – 56:18	Relevance - FED.R.EVID. 402; Hearsay - FED.R.EVID. 802
89:10 – 89:20	FED.R.CIV.P. 32(a)(4) - add 90:14 – 91:10
99:1 – 99:14	Witness lacks personal knowledge - FED.R.EVID. 602
99:17 – 100:7	Witness lacks personal knowledge - FED.R.EVID. 602
103:20 – 104:1	FED.R.CIV.P. 32(a)(4) - add 105:17 – 105:24, 106:8 – 107:5, 107:7 – 107:16

**F. Deposition of John A. Dugan, 3/23/05, cont'd.**

Page/Line Designation by Plaintiff	Dell's Objections
115:4 – 115:16	Relevance - FED.R.EVID. 402; Unfairly prejudicial – FED. R. EVID. 403; witness lacks personal knowledge - FED.R.EVID. 602; FED.R.CIV.P. 32(a)(4) - add 116:12 – 116:15, 116:17 – 118:3, to the extent the foregoing objections are denied
116:2 – 116:5	Relevance - FED.R.EVID. 402; Unfairly prejudicial – FED. R. EVID. 403; Witness lacks personal knowledge - FED.R.EVID. 602; FED.R.CIV.P. 32(a)(4) - add 116:12 – 116:15, 116:17 – 118:3, to the extent the foregoing objections are denied
116:17 – 116:25	Relevance - FED.R.EVID. 402; Unfairly prejudicial – FED. R. EVID. 403; Witness lacks personal knowledge - FED.R.EVID. 602; FED.R.CIV.P. 32(a)(4) - add 116:12 – 116:15, 116:17 – 118:3 to the extent the foregoing objections are denied.
117:6 – 117:25	Relevance - FED.R.EVID. 402; Witness lacks personal knowledge- FED.R.EVID. 602; FED.R.CIV.P. 32(a)(4) - add 116:12 – 116:15, 116:17 – 118:3, to the extent the foregoing objection is denied
118:16 – 119:1	Relevance - FED.R.EVID. 402; Unfairly prejudicial – FED. R. EVID. 403; Witness lacks personal knowledge - FED.R.EVID. 602; FED.R.CIV.P. 32(a)(4) - add 116:12 – 116:15, 116:17 – 118:3, to the extent the foregoing objections are denied.
120:15 – 121:6	Relevance - FED.R.EVID. 402; Witness lacks personal knowledge - FED.R.EVID. 602.
121:15 – 121:19	Relevance - FED.R.EVID. 402
122:20 – 123:3	Witness lacks personal knowledge - FED.R.EVID. 602; FED.R.CIV.P. 32(a)(4) - add 123:4 – 123:8
123:9 – 124:10	Witness lacks personal knowledge - FED.R.EVID. 602; FED.R.CIV.P. 32(a)(4) - add 123:4 – 123:8
141:3 – 141:13	Hearsay - FED.R.EVID. 802; Witness lacks personal knowledge - FED.R.EVID. 602
141:15 – 142:1	Hearsay - FED.R.EVID. 802
142:7 – 142:10	Hearsay - FED.R.EVID. 802; Witness lacks personal knowledge - FED.R.EVID. 602

**G. Deposition of William Francis, 3/02/05**

Page/Line Designation by Plaintiff	Dell's Objections
	Dell generally objects to any designations reflecting objections or colloquy between counsel, pursuant to the Court's Form Pre-Trial Order, which requires all colloquy between counsel to be eliminated when the deposition is

	read at trial
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**G. Deposition of William Francis, 3/02/05, cont'd.**

Page/Line Designation by Plaintiff	Dell's Objections
P1 Case Caption – P_ ; Line _	Dell objects on the basis that Inacom fails to specify the specific deposition portions it wishes to read into evidence in that the page and line numbers are not completed
16:25 – 18:6	Relevance - FED.R.EVID. 402
19:6 – 19:13	Relevance - FED.R.EVID. 402
25:8 – 25: 21	Relevance - FED.R.EVID. 402
59:18 – 60:5	Relevance - FED.R.EVID. 402
63:7 – 63:17	Relevance - FED.R.EVID. 402
69:5 – 69:17	Relevance - FED.R.EVID. 402
70:21 – 71:3	Relevance - FED.R.EVID. 402

**H. Jerry A. Gagliardi, 4/6/05**

Page/Line Designation by Plaintiff	Dell's Objections
	Dell objects to the entirety of the deposition designations identified by Inacom. Specifically, Inacom has identified Mr. Gagliardi as a witness it "will call." Accordingly, Mr. Gagliardi will be present and testifying at trial and no portion of his deposition can or should be read in evidence. To the extent Inacom should later change their designation from a "will call" to a "may call," Dell reserves the right to designate appropriate deposition testimony from Mr. Gagliardi and assert individual appropriate objections to those portions identified by Inacom in its Deposition Designations.

**I. Richard Oshlo, 3/20/05**

Page/Line Designation by Plaintiff	Dell's Objections
	Dell objects to the entirety of the deposition designations identified by Inacom. Specifically, Inacom has identified Mr. Oshlo as a witness it "will call." Accordingly, Mr. Oshlo will be present and testifying at trial and no portion of his deposition can or should be read in evidence. To the extent Inacom should later change their designation from a "will call" to a "may call," Dell reserves the right to designate appropriate deposition testimony from Mr. Oshlo and assert individual appropriate objections to those portions identified by Inacom in its Deposition Designations

J. Susan Willets,

Page/Line Designation by Plaintiff	Dell's Objections
81:6 – 82:11	Relevance--FED.R.EVID. 402; Unfairly Prejudicial - FED.R.EVID. 403; Object to form of question—vague, ambiguous
83:12 – 83:11	Relevance--FED.R.EVID. 402; Unfairly Prejudicial - FED.R.EVID. 403; Object to form of question—vague, ambiguous
83:12 – 84:5	Object to form of question—vague, ambiguous
85:4 – 85:18	Relevance--FED.R.EVID. 402; Unfairly Prejudicial - FED.R.EVID. 403; Object to form of question—vague, ambiguous